

# FISH & NEAVE

1251 AVENUE OF THE AMERICAS, NEW YORK, NY 10020 (212) 596-9000

FILE COPY

NY:808398.1  
00741.019  
[NY]



JOEL WEISS  
DIRECT DIAL 212.596.9222

January 15, 2002

**BY FEDERAL EXPRESS**

Ms. Mary Ann Gilbert  
5 Scarlet Oak Drive  
Califon, NJ 07830

Dear Ms. Gilbert:

As you are aware, we are outside patent attorneys for Cantor Fitzgerald and represent Cantor Fitzgerald on numerous patent matters, including obtaining patents on inventions that your husband made while he was employed by Cantor Fitzgerald. We need your assistance with respect to obtaining patents on those inventions.

First, please accept our sincere condolences on the loss of your husband. We greatly enjoyed meeting and working with him. Please accept our apologies for troubling you with these matters at this time.

As you may be aware, Andrew had been working on a number of patent applications on behalf of Cantor Fitzgerald. Certain formalities -- i.e., signing of the required documentation -- for many of these applications still remain to be completed. Application for the patent may be executed by the legal representatives of the inventor. Accordingly, we need to have two documents signed by Andrew's legal representative (executor, administrator, heir or

Ms. Mary Ann Gilbert  
January 15, 2002  
Page 2

heirs, etc.) for each of his patent applications. We also need assurance by the legal representative of his or her power or authority.

The two documents that we need to have signed are enclosed and are as follows:

1. Declaration and Power of Attorney for Patent Application (attached to the back of the enclosed copy of the relevant patent application); and
2. Assignment of rights to eSpeed, Inc. (an affiliate of Cantor Fitzgerald)

The first document declares that Andrew was the sole inventor, or one of a group of inventors, that invented the subject matter in the patent application. The first document also gives our firm Power of Attorney to prosecute the application before the United States Patent and Trademark Office.

The second document assigns rights in the patent application to eSpeed, Inc. Andrew was legally obligated by his employment agreement\* to sign all required documents to transfer ownership to Cantor Fitzgerald of the inventions that he invented while working for Cantor Fitzgerald (for internal corporate reasons, we request that you assign the inventions to eSpeed, Inc.)

If you have any questions concerning these documents, or would simply like a broader explanation of the import of these documents, please feel free to call me or to consult other counsel.

---

\* The employment agreement states in pertinent part, "Cantor Fitzgerald owns all the tangible and intangible work product originated or developed by employees in connection with their employment, even if developed outside the Firm's premises. As a condition of your employment you agree that Cantor Fitzgerald shall have exclusive ownership of any and all right, title, and interest in (1) all copyright, trademarks, service mark rights, patents or processes associated with any work, mark, invention or process produced during the course of your employment which was originated or developed in connection with such employment; and (2) any such proprietary rights with respect to any invention or process originated or such proprietary rights with respect to any invention or process originated or developed in connection with your employment reduced to practice following the termination of your employment, if the invention or process existed in an intangible form prior to such termination, even if it was not workable at that time.

As further condition of your employment, you agree to execute any and all documents necessary to protect and preserve Cantor Fitzgerald's proprietary rights in copyrights, trademarks, service marks, patents, processes and trade secrets even if you are no longer employed by the Firm and including at Cantor Fitzgerald's request, you agree to confirm such assignment in writing. . . ."

Ms. Mary Ann Gilbert  
January 15, 2002  
Page 3

We have assumed that you are your husband's legal representative. If so, please complete the enclosed two documents and return them to me in the enclosed self-addressed, postage-paid, return envelope. We will consider our receipt of the signed documents from you as your assurance to us that you are the legal representative.

If you are not your husband's legal representative, please tell me how to contact that person so that we can get him or her to sign the enclosed documents.

Again, if you have any questions, please call me. If you would prefer to speak to someone at Cantor Fitzgerald about this, I suggest Mr. Howard H. Lutnick, tel.: (212) 821-6968.

We are required by law to make a diligent effort to secure your participation in completing these applications prior to proceeding without your participation.

If we do not hear from you in two weeks time from the date of this letter, we will try to contact you again. If, after we try to contact you a second time, we do not hear from you, we will assume that you do not wish to participate. Similarly, you may choose to inform us that you do not wish to participate. In either case, we will proceed with the application process on behalf of Cantor Fitzgerald without the signed documents.

I greatly appreciate your help and I look forward to hearing from you.

We may be sending you more of these documents for signing in the future. Please forgive this inconvenience but it is not possible to forward all the documents to you at this time because the applications are at different stages of completion.

Sincerely yours,

Joel Weiss

JW:jw  
Enclosures

cc: Steven Merkel, Esq. (w/o enc.)



PATENTS  
CF/046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Andrew C. Gilbert  
Application No. : 10/042,371  
Confirmation No. : 6761  
Filed : December 27, 2001  
For : SYSTEMS AND METHODS FOR CREATING AND  
TRADING DYNAMIC SECURITIES  
Group Art Unit : 2164

New York, New York 10020  
July 15, 2002

Box MISSING PARTS  
Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

RECEIVED  
JUL 22 2002

OFFICE OF PETITIONS

REPLY TO NOTICE TO FILE MISSING  
PARTS OF NONPROVISIONAL APPLICATION

sir:

In reply to the Notice To File Missing Parts of  
Nonprovisional Application mailed February 14, 2002, applicant  
hereby submits the following:

1. A copy of the February 14, 2002 Notice To File  
Missing Parts Of Nonprovisional Application;
2. An executed Declaration And Power Of Attorney;
3. A Petition For Filing When An Inventor's Legal  
Representative Refuses To Sign Pursuant To 37 C.F.R. § 1.47  
and a file copy of a January 15, 2002 letter to the legal  
representative;

4. A Last Known Address Of Nonsigning Legal Representative Of Deceased Inventor Pursuant to 37 C.F.R. § 1.47;

5. A check in the amount of \$ 130.00 in payment of the petition fee set forth in 37 C.F.R. § 1.17(h);

6. A check in the amount of \$ 130.00 in payment of the surcharge set forth in 37 C.F.R. § 1.16(e);

7. A Petition For Extension Of Time Pursuant To 37 C.F.R. § 1.136(a); and

8. A check in the amount of \$ 920.00 in payment of the 3-month extension fee set forth in 37 C.F.R. § 1.17(a)(3).

Please charge any underpayment, or credit any overpayment, in connection with this Reply to Deposit Account No. 06-1075. A duplicate copy of this Reply is enclosed.

Respectfully submitted,

Evelyn C. Mak

Evelyn C. Mak  
Registration No. 50,492  
Agent for Applicant

FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
(212) 596-9000



PATENTS  
CF-46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Andrew C. Gilbert  
Application No. : 10/042,371  
Confirmation No. : 6761  
Filed : December 27, 2001  
For : SYSTEMS AND METHODS FOR CREATING AND  
TRADING DYNAMIC SECURITIES  
Group Art Unit : 2164

New York, New York 10020  
July 15, 2002

Box MISSING PARTS  
Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

LAST KNOWN ADDRESS OF NONSIGNING  
LEGAL REPRESENTATIVE OF DECEASED INVENTOR  
PURSUANT TO 37 C.F.R. § 1.47

Full Name Of Deceased Inventor Andrew C. Gilbert  
Legal Representative (Wife) Mary Ann Gilbert  
Last Known Address 5 Scarlet Oak Road  
Califon, New Jersey 07830  
Last Known Post Office Address SAME

Respectfully submitted,

Evelyn C. Mak

Evelyn C. Mak (Reg. No. 50,492)  
Agent for Applicant  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
(212) 596-9000



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/042,371	12/27/2001	Andrew C. Gilbert	CF-46

CONFIRMATION NO. 6761

1473  
 FISH & NEAVE  
 1251 AVENUE OF THE AMERICAS  
 50TH FLOOR  
 NEW YORK, NY 10020-1105

## FORMALITIES LETTER



\*OC00000007474242\*

Date Mailed: 02/14/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

JUL 22 2002

OFFICE OF PETITIONS

07/22/2002 AWONDAF1 00000106 10042371

01 FC:105

130.00 0P

EXPRESS MAIL LABEL  
 EV045437621US



07-18-02

~~DAC/10~~  
PATENTS  
CF-46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Andrew C. Gilbert  
Application No. : 10/042,371  
Confirmation No. : 6761  
Filed : December 27, 2001  
For : SYSTEMS AND METHODS FOR CREATING AND  
TRADING DYNAMIC SECURITIES  
Group Art Unit : 2164

RECEIVED

JUL 22 2002

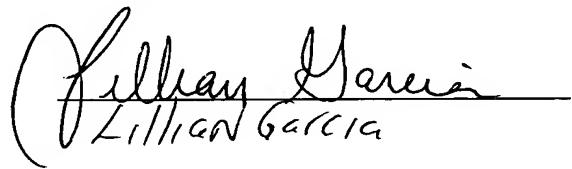
OFFICE OF PETITIONS

EXPRESS MAIL CERTIFICATION

EXPRESS MAIL LABEL NO. EV045437621US

Date of Deposit: July 15, 2002

I hereby certify that this paper/fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Hon. Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

  
Lillian Garcia

Enclosures:

REPLY TO NOTICE TO FILE MISSING PARTS (IN DUPLICATE)  
COPY OF FEBRUARY 14, 2002 NOTICE TO FILE MISSING PARTS  
EXECUTED DECLARATION AND POWER OF ATTORNEY  
PETITION FOR FILING WHEN AN INVENTOR'S LEGAL  
REPRESENTATIVE REFUSES TO SIGN  
COPY OF LETTER TO LEGAL REPRESENTATIVE  
LAST KNOWN ADDRESS OF NONSIGNING LEGAL REPRESENTATIVE  
PETITION FOR EXTENSION OF TIME (IN DUPLICATE)  
CHECKS IN THE AMOUNT OF \$ 130.00, \$ 130.00, AND  
\$ 920.00  
RETURN POSTCARD